

BEFORE THE BOARD OF PRIVATE ALTERNATIVE ADOLESCENT
RESIDENTIAL OR OUTDOOR PROGRAMS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 24.181.301 definitions,)	REPEAL
24.181.402 licensing fee schedule,)	
24.181.501 application for)	
registration, 24.181.505 site visits,)	
24.181.601 program administration,)	
24.181.607 program participant)	
protection, 24.181.803 definitions -)	
residential programs, 24.181.2101)	
renewals, and the repeal of)	
24.181.401 registration fee schedule)	
and 24.181.502 implementation)	

TO: All Concerned Persons

1. On April 28, 2011, the Board of Private Alternative Adolescent Residential or Outdoor Programs (board) published MAR notice no. 24-181-5 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 636 of the 2011 Montana Administrative Register, issue no. 8.

2. On May 19, 2011, a public hearing was held on the proposed amendment and repeal of the above-stated rules in Helena. Several comments were received by the May 27, 2011, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: One commenter objected to the amount of the proposed increases to licensure and renewal fees, and alleged that the increases are contrary to legislative action.

RESPONSE 1: All professional and occupational licensing boards that are administratively attached to the department are statutorily mandated by 37-1-134, MCA, to set and maintain board fees commensurate with that board's costs of licensure and regulation. The board cannot set fees according to inflation, cost of living, current economic state, or the salaries of licensees.

The board also notes that both the department and the board continually seek and implement ways to reduce costs associated with board functions. Examples of this are the shift to using electronic board books instead of paper and holding some board meetings by telephone conference instead of in-person attendance.

The board notes that the licensing and renewal fee increases are proposed to comply with 37-1-134, MCA, and are commensurate with the costs of the board.

Unless both initial licensure and renewal fees are increased as proposed, the board will have a shortage of operating funds by the 2012 renewal period. The board is amending the fees exactly as proposed.

COMMENT 2: One commenter objected to the change in definition of "residential program" to include one or more program participants, so that a program with one participant must be licensed.

RESPONSE 2: The board concluded that all residential programs, regardless of the number of participants, must be licensed to ensure adequate public protection and is amending ARM 24.181.803 exactly as proposed.

4. The board has amended ARM 24.181.301, 24.181.402, 24.181.501, 24.181.505, 24.181.601, 24.181.607, 24.181.803, and 24.181.2101 exactly as proposed.

5. The board has repealed ARM 24.181.401 and 24.181.502 exactly as proposed.

BOARD OF PRIVATE ALTERNATIVE
ADOLESCENT RESIDENTIAL OR
OUTDOOR PROGRAMS
DR. JOHN SANTA, CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 15, 2011